

LOWER LEY CREEK SUBSITE
PRP NEXUS REPORT
EAST PLAZA, INC. AND PLAZA EAST, LLC

February 12, 2013

Compiled by:

PALMERTON GROUP
A Division of GZA GeoEnvironmental, Inc.

Contents

1.0	Overview	3
2.0	Overview of East Plaza, Inc./Plaza East LLC and Related Property Holdings	4
3.0	Documented Releases of Hazardous Substances on and from East Plaza, Inc./Plaza East, LLC Properties.....	4
3.1	Town of Salina Landfill Operations	4
3.2	Old Ley Creek Channel and City of Syracuse Landfill Operations	5
4.0	Conclusions	6
5.0	References	6
	Appendix A.....	7

1.0 Overview

This PRP summary document presents evidence that has been collected by the United States Environmental Protection Agency (USEPA), New York State Department of Environmental Conservation (NYSDEC) and others, concerning the disposal and/or release of hazardous substances to the Lower Ley Creek Subsite from properties along the Creek owned by East Plaza, Inc. and their apparent successor Plaza East, LLC As described herein, East Plaza, Inc. previously owned two properties located along Lower Ley Creek and the Old Ley Creek Channel that were leased to the Town of Salina and the City of Syracuse for use as landfills, identified for purposes of this summary as the North Landfill and South Landfill. East Plaza, Inc.'s properties between Ley Creek and the Route 90 New York State Thruway, and west of Route 11, comprise the North Landfill, while its properties south of Ley Creek, north of the CSX Railroad, and west of Route 11, comprise the South Landfill (Figure 1).

North Landfill: The Town of Salina, a noticed potentially responsible party for the Lower Ley Creek Subsite, leased the North Landfill and conducted landfilling operations there from approximately 1956 through 1974 (Town of Salina 1995 Section 104(e)), after which it closed the landfill and purchased 29 acres from the North Landfill's western portion. The eastern remainder was reportedly purchased from East Plaza, Inc. by John Paratore in 1985. During its landfilling operations at the North Landfill, the Town of Salina accepted domestic, commercial, and industrial waste materials, including hazardous waste (TAMS, 1996, pgs. 4-7). Analysis of the North Landfill soil, sediment, groundwater and surface water by the NYSDEC identified numerous hazardous substances, including the constituents of concern (COCs) for Lower Ley Creek that have been identified by the USEPA (*i.e.*, polychlorinated biphenyls (PCBs), volatile organic compounds (VOCs), semi-volatile compounds (SVOCs), metals, and pesticides)

South Landfill: East Plaza, Inc.'s property south of Ley Creek (*i.e.*, the South Landfill), some of which was formerly on the north side of Ley Creek prior to the rerouting of the so-called Old Ley Creek Channel, was also used on the eastern portion, by the Town of Salina for landfilling. As a result the South Landfill has been investigated as part of both the Town of Salina landfill site and the Old Ley Creek Channel site. In addition, the western portion of the South Landfill was used as a landfill in the late 1960s to early 1970s by the City of Syracuse. Site investigations have identified hazardous substances, including PCBs, VOCs, SVOCs, metals and pesticides in the South Landfill soil, groundwater, surface water and sediment (NYSDEC Remediation Investigation Report, Old Ley Creek Channel Site 2010). Figures 4-7 in Appendix A show select constituents of concern.

On January 12, 1999, Plaza East, LLC was formed and, on March 11, 1999, East Plaza, Inc. was dissolved. Prior to its dissolution, however, East Plaza, Inc. apparently transferred its remaining property holdings (*i.e.*, the South Landfill) to Plaza East, LLC, which continues to own this property.

As a result of its current ownership of the South Landfill, Plaza East, LLC has potential liability for the Lower Ley Creek Subsite under CERCLA. In addition, Plaza East, LLC and other parties associated with Plaza East, LLC and the (dissolved) East Plaza, Inc. may also have potential liability for past ownership and operations at the North Landfill and South Landfill. This document is a summary of data/evidence produced by others. Data sources for the information presented in this document are summarized in

Section 5.0 References, and select supporting information is included in Appendix A. Additional information may be available from Plaza East LLC, the Town of Salina, the City of Syracuse and the NYSDEC.

2.0 Overview of East Plaza, Inc./Plaza East LLC and Related Property Holdings

East Plaza, Inc. was incorporated in December of 1950 (NYS Department of State Records). The company acquired property on the north and south side of Ley Creek immediately west of Route 11 sometime in the 1950s (the North Landfill and South Landfill, respectively) (Figure 1). The Town of Salina reported in its 1995 Section 104(e) response to the USEPA that it leased property from East Plaza, Inc. to operate the Town of Salina landfill from approximately 1956 through 1974 (Revised Response to United States Environmental Protection Agency Joint Request for Information, June 22, 1995 pg. 5). After closing the landfill, the Town purchased 29 acres of the western portion of the North Landfill from East Plaza, Inc. The eastern portion of the North Landfill was reportedly sold by East Plaza, Inc. to John Paratore in 1985 (NYSDEC Preliminary Site Assessment, Salina Town Landfill Site, May 1994 pg. 2-1).

In addition to the North Landfill described above, East Plaza, Inc. also owned property south of the current Ley Creek channel (*i.e.*, the South Landfill) (Figure 1). The easternmost portion of this property was once located north of the then-existing Old Ley Creek Channel; however, the property became separated from the above-described Town of Salina landfill property after Ley Creek was rerouted in the early 1970s. As discussed below, the western portion of the South Landfill was leased in the late 1960s to early 1970s to the City of Syracuse for use as a landfill.

On January 12, 1999, Plaza East, LLC was formed and, on March 11, 1999, East Plaza, Inc. was dissolved (NYS Department of State Records). Prior to dissolution, East Plaza, Inc. apparently transferred its remaining property holdings along Ley Creek (*i.e.*, the South Landfill) to Plaza East, LLC, which continues to own this property to the present. The relationship between East Plaza, Inc. and Plaza East, LLC is not known, and requires further investigation to determine the extent to which Plaza East, LLC and persons related to either entity may have potential liability for the past ownership and leasing of the North Landfill and South Landfill.

3.0 Documented Releases of Hazardous Substances on and from East Plaza, Inc./Plaza East, LLC Properties

3.1 Town of Salina Landfill Operations

The Town of Salina accepted domestic, commercial, and industrial waste materials at its landfill, including hazardous waste (TAMS, 1996 pgs. 4-7). Analysis of soil, sediment, groundwater and surface water on and about the landfill property has identified numerous hazardous substances, including VOCs,

SVOCs, pesticides, PCBs, and metals (TAMS, 1996 pgs. 8-10). The full list of hazardous substances that may have been released from the Town of Salina landfill into Ley Creek is described in detail in, among other reports, the 1994 Preliminary Hazardous Site Assessment prepared by the NYSDEC; the 1996 Addendum to the Preliminary Hazardous Site Assessment; the 1996 Site Summary Report prepared by TAMS; the 2007 Record of Decision issued by NYSDEC and USEPA for the Site, and ROD Amendment documents for the Salina Landfill issued in 2010. Based on these investigative findings, the Town of Salina has been given notice by the USEPA of its potential liability under CERCLA at the Lower Ley Creek Subsite for its operation of the former Town of Salina landfill. As explained in Section 3.0, East Plaza, Inc. owned the majority of the property on which the Town of Salina operated its landfill pursuant to a lease agreement from approximately 1956 to 1974. Accordingly, East Plaza, Inc. was the owner of the majority of the landfill property at the time hazardous substances were being disposed of and released into Ley Creek.

3.2 Old Ley Creek Channel and City of Syracuse Landfill Operations

As described in Section 3.0, East Plaza, Inc. also owned property south of the current Ley Creek channel (the South Landfill) (Figure 1). The easternmost portion of this property was once located north of the then-existing Old Ley Creek Channel and was part of the Town of Salina landfill. This property became separated from the main Town of Salina landfill property after Ley Creek was rerouted in the early 1970s. Investigations completed as part of the Town of Salina Landfill Site and the Old Ley Creek Channel Site document the release of hazardous substances (including PCBs, VOCs, SVOCs, metals, and pesticides) on and about this property and into Ley Creek (See Town of Salina Landfill Records Referenced in Section 3.1; NYSDEC Remediation Investigation Report, Old Ley Creek Channel Site 2010). The South Landfill is also located in the floodplain/swale areas which have been investigated by USEPA as part of the Lower Ley Creek Subsite. Sampling efforts in 2010 and 2011 confirmed the presence of PCBs, VOCs, SVOCs, metals (including mercury) and pesticides, many of them above soil, sediment and surface water standards, criteria, and guidance (SCGs) and found to contain hazardous substances. Select constituents of concern are shown in Figures 4-7.

A 1979 report prepared by Onondaga County reports the existence of a landfill once operated in the late 1960s to early 1970s by the City of Syracuse on the western portion of the South Landfill (A Compilation of Landfill Practices in Onondaga County, 1979). The 1979 County report indicates that this landfill (as well as other City landfills) were used for the disposal of municipal type waste, and “[a]ny industrial wastes received (sites adjacent to... Seventh North Street received deliveries from several industries) were mixed with the domestic collections for disposal.” However, “no stockpiling of barreled industrial waste have been reported.”

Consistent with the above-referenced Onondaga County report, a December 19, 1967 newspaper article reports that the City of Syracuse was in negotiations to lease 27 acres of marshland from East Plaza Inc. for a new landfill. It was also reported that the City would need to construct a 670 foot roadway to the

landfill from Seventh North Street (Post-Standard, Dec. 19, 1967). A 1972 aerial photograph confirms the presence of the landfilling activities on the property (Figure 3).

Between 1970 and 1971, local newspapers periodically reported on a legal dispute between the City of Syracuse and the Town of Salina concerning the City's continued use of its landfill on East Plaza, Inc.'s property. At issue was not only when the City would stop using the landfill but whether or not it was violating height restrictions on its waste disposal activities along Ley Creek. On February 17, 1971, a court order was issued holding that the City was in violation of its permit issued by the Town of Salina. On October 28, 1971, an appellate court issued a restraining order against the City prohibiting the further use of the landfill. On November 10, 1971, it was reported that the City "was out of the landfill business." (Post-Standard, Sept. 10, 1970; Sept. 12, 1970; Mar. 13, 1971; Nov. 5, 1971; Nov. 6, 1971; Nov. 10, 1971).

In 1999, Plaza East, LLC was formed and took title to the South Landfill, including the property comprising the Old Ley Creek Channel Site. Plaza East, LLC continues to own this 3.5 acre parcel of property to the present (Figure 2).

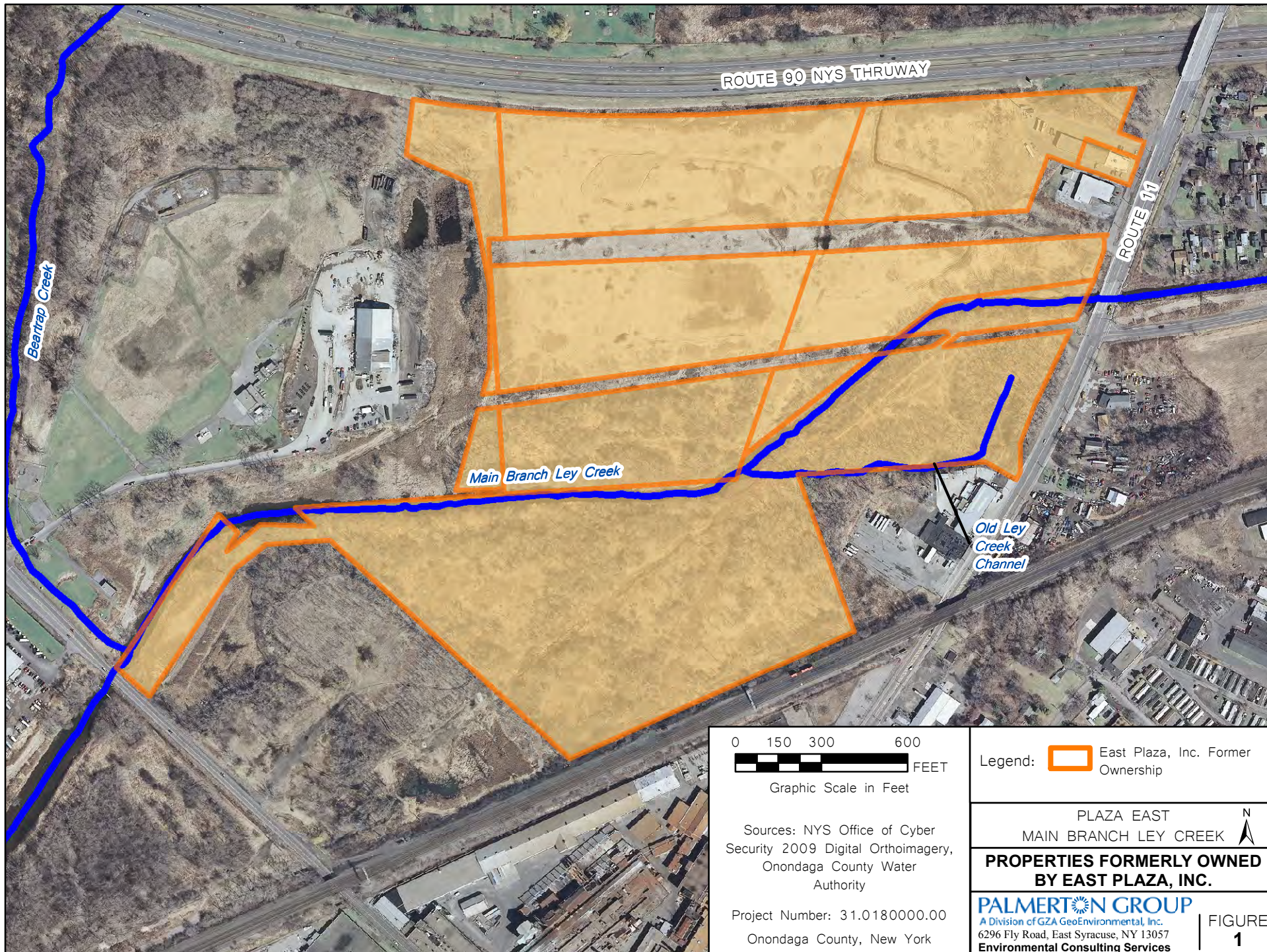
4.0 Conclusions

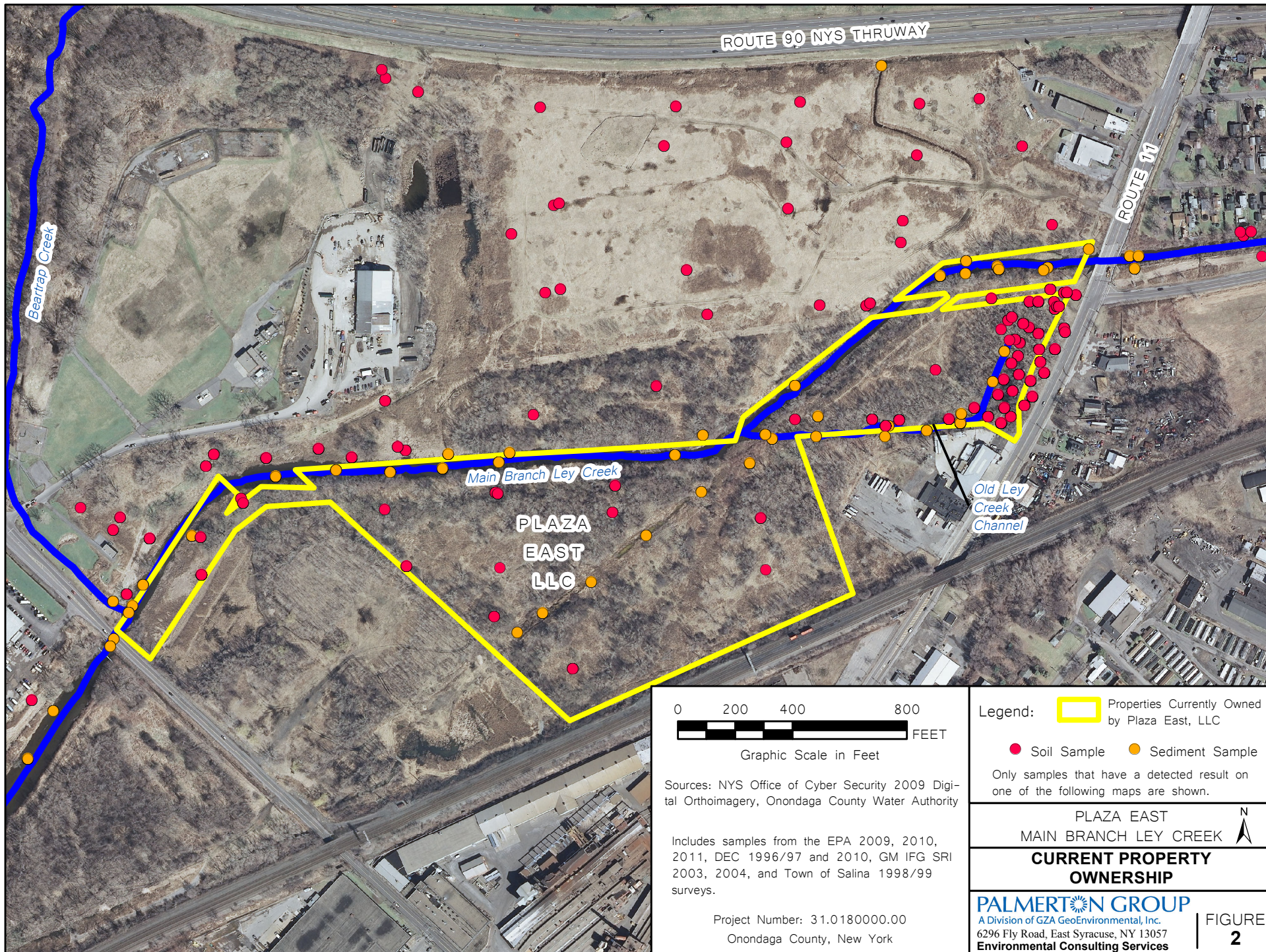
Plaza East, LLC has potential liability at the Lower Ley Creek Subsite, based on its current ownership of the South Landfill (including the former City of Syracuse landfill, portions of the Town of Salina landfill, and the Old Ley Creek Channel), which are well documented to contain a variety of hazardous substances including: PCBs, VOCs, SVOCs, metals (including mercury) and pesticides. Additionally, Plaza East, LLC and other persons associated with Plaza East, LLC and/or East Plaza, Inc. may have potential liability for prior ownership and landfilling operations at the North Landfill, which included the Town of Salina landfill. More information is required from Plaza East, LLC or other sources to assess the relationship between the two companies and related persons and their potential liability under CERCLA for East Plaza, Inc.

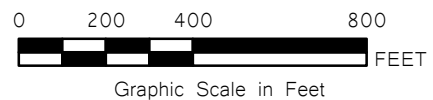
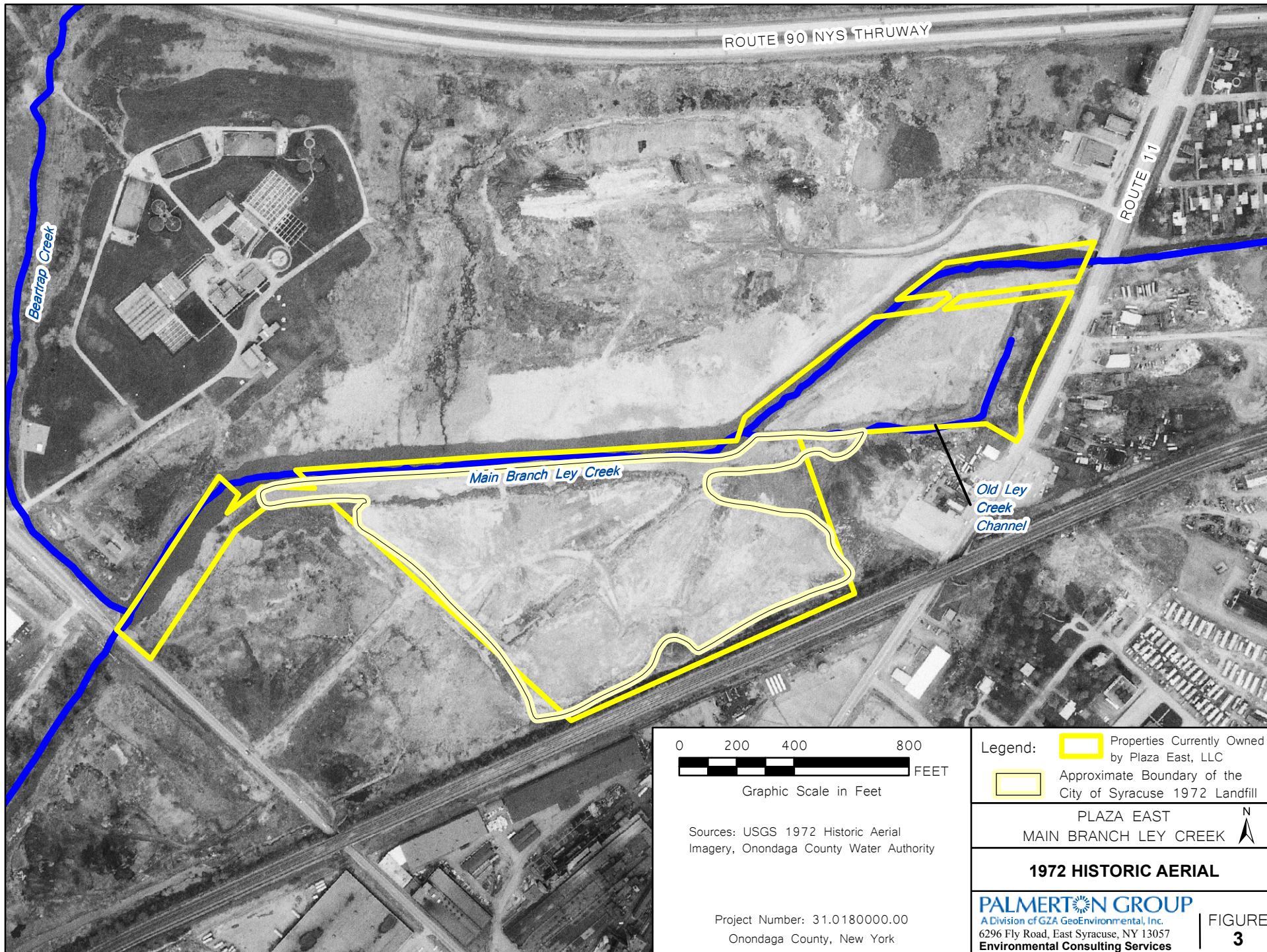
5.0 References

Information found in this report has been summarized from *A Compilation of Landfill Practices in Onondaga County* prepared by Onondaga County's Department of Health, Division of Environmental Sanitation, in 1979; newspaper articles; and miscellaneous environmental reports and data developed as part of the Town of Salina Landfill Site, the Old Ley Creek Channel Site, and the Lower Ley Creek Subsite. Additional information may be available from Plaza East, LLC, the Town of Salina, the City of Syracuse, USEPA, and NYSDEC. Copies of relevant documents used in the report are provided on CD.

Appendix A







Sources: USGS 1972 Historic Aerial Imagery, Onondaga County Water Authority

Project Number: 31.0180000.00
Onondaga County, New York

- Legend:
- Properties Currently Owned by Plaza East, LLC
 - Approximate Boundary of the City of Syracuse 1972 Landfill

PLAZA EAST
MAIN BRANCH LEY CREEK

1972 HISTORIC AERIAL

PALMERTON GROUP
A Division of GZA GeoEnvironmental, Inc.
6296 Fly Road, East Syracuse, NY 13057
Environmental Consulting Services

FIGURE
3

